THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.156 of 2006

Dated 24-02-2006

Between:

T. Sambasiva Ramakrishnaiah.

..... PETITIONER

AND

The Government of A.P.,

rep. by its Principal Secretary, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.156 of 2006

O R D E R:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not investigating into the Crime No.275/02 on the file of II Town Police Station, Kurnool, Kurnool District, in spite of the directions of the learned Additional Judicial Magistrate of First Class, Kurnool, as arbitrary and illegal.

The material on record shows that the learned Judicial Magistrate of First Class, Kurnool, in the month of November, while forwarding the complaint filed under Section 156 (3) Cr.P.C. to the Deputy Superintendent of Police for investigation, directed that the report should be filed by 05-11-2002. Again by order dated 27-08-2005 there was a direction to file the report in Crime No.275/02 on or before 06-09-2005. In spite of the said orders the investigation has not been completed. Hence this writ petition by the *de facto* complainant.

In response to the Rule Nisi ordered on 04-01-2006, the Inspector of Police, II Town P.S., Kurnool, who is the Investigating Officer filed a counter-affidavit stating that the investigation was completed by the then Inspector of Police and having found that no evidence to support the allegations made in the F.I.R., permission was sought from the Sub-Divisional Police Officer, Kurnool, to refer the case as a mistake of fact, on 20-02-2003. The Sub-Divisional Police Officer, Kurnool, had also granted permission to refer the case

as a mistake of fact on 27-02-2003. The record also shows that the then Inspector of Police had deputed PC 249 on 27-02-2003 itself to serve notice on the complainant. However, it was reported by the Police Constable that the notice was refused by the complainant and the then Inspector of Police had prepared a final report on 27-02-2003 itself to be filed before the Court of the Additional Judicial Magistrate of First Class, Kurnool. However, after receiving the notice in the present writ petition, when the matter was verified it was found that the final report prepared by the then Inspector of Police was not filed into the Court and the original report prepared was not available in the file. The Inspector of Police, II Town PS, Kurnool, while explaining the above said facts, undertook to file the final report as prepared by the then Inspector of Police immediately into the competent Court.

In view of what has been stated in the counter-affidavit, no further adjudication is necessary in the writ petition.

The writ petition is accordingly disposed of with a direction to the fourth respondent/Investigating Officer to file the final report before the competent Court of law forth with. No costs.

_____

(G. ROHINI, J)

Date:24-02-2006

ghn